

Y.S.,

Plaintiff,

-V-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

-V-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

$$\begin{array}{c} \vdots \\ -\textbf{x}_1 \end{array}$$

21 Civ. 5878 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

JOHN P. CRONAN, United States District Judge:

On March 4, 2022, Plaintiff filed a motion for attorneys’ fees and costs pursuant to 20 U.S.C. § 1415(i), with supporting exhibits. Dkts. 48-51; *see also* Dkt. 59 (reply brief with attached exhibits). The Court subsequently stayed the matter pending the Second Circuit’s decision in *H.C. v. New York City Department of Education*, No. 21-1582, in anticipation of the Circuit’s guidance in awarding attorneys’ fees under that same statutory provision. *See* Dkt. 62. After the Second Circuit issued its decision in June 2023, defense counsel informed the Court of the parties’ intent to revisit the possibility of settlement. Dkt. 71. After the parties advised that they were unable to reach a settlement, the Court scheduled a conference to address Plaintiff’s fees motion for September 22, 2023. Dkt. 75.

In preparing for that conference, the Court was unable to access certain exhibits that Plaintiff supposedly electronically filed in support of her fees motion and are referenced in her motion papers—namely, those at Docket Numbers 50-1, 50-2, and 59-1. For each of these three exhibits, the Case Management/Electronic Case Files system indicates that the document cannot be displayed. Nor did Plaintiff provide the Court with courtesy copies of those exhibits—or of any of Plaintiff’s filings related to its fees motion, for that matter—as required by Section 2(D) of the

undersigned's Individual Rules. When the Court inquired in light of its difficulty in accessing these files, Plaintiff further informed the Court that courtesy copies of its motion papers also were not transmitted to Defendant, and the Court thus presumes that Defendant could not access these exhibits either.

Because Plaintiff's public filing in support of her fees motion is incomplete, the motion has not been fully transmitted to the Court, the motion apparently also has not been fully transmitted to Defendant, and Plaintiff has failed to comply with the undersigned's Individual Rules with respect to the submission of motion papers, the Court denies Plaintiff's motion without prejudice to refile. Plaintiff is cautioned to comply with the undersigned's Individual Rules, which can be viewed at <https://www.nysd.uscourts.gov/hon-john-p-cronan>, and further is urged to ensure that any electronic filings are in fact viewable.

The Clerk of the Court is respectfully directed to close the motion pending at Docket Number 48. Plaintiff shall make any renewed motion for fees by September 29, 2023, Defendant shall file any opposition by October 13, 2023 (or otherwise may rely on its previously filed opposition papers at Docket Numbers 56 through 58), and Plaintiff may file any reply by October 20, 2023.

SO ORDERED.

Dated: September 15, 2023
New York, New York



JOHN P. CRONAN
United States District Judge